

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

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|---------------------------|---|-----------------------|
| BYRON A. JONES, |) | |
| |) | |
| Movant, |) | |
| |) | |
| v. |) | No. 1:20-cv-00114-AGF |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This matter comes before the Court on movant Byron A. Jones's motion for appointment of counsel. (Docket No. 2). In civil cases, a pro se litigant does not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). *See also Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (stating that "[a] pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case"). Rather, a district court may appoint counsel in a civil case if the court is "convinced that an indigent [litigant] has stated a non-frivolous claim...and where the nature of the litigation is such that [the litigant] as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

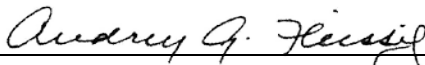
After reviewing these factors, the Court finds that the appointment of counsel is not warranted at this time. Movant has demonstrated, at this point, that he can adequately present his claims to the Court. Additionally, the Government has not yet had the opportunity to respond, so

the Court is unable to determine the potential merits of movant's claim, or whether movant and the Court will benefit from the assistance of counsel. The Court will entertain a future motion for appointment of counsel as the case progresses, if appropriate.

Accordingly,

IT IS HEREBY ORDERED that movant's motion for appointment of counsel (Docket No. 2) is **DENIED** at this time.

Dated this 13th day of October 2020.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE